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A/C.3/52/L.70
21 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Nigeria

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Recalling that Nigeria is a party to, inter alia, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

Welcoming the positive contribution which Nigeria has recently been making through the Economic Community of West African States in support of democratic government within the West African region and expressing the hope that this reflects a determination to pursue the same aim in its domestic policies,

Noting that the Commonwealth has concluded that there has been no real progress on human rights and the restoration of democracy and has therefore decided to renew Nigeria's suspension from the Commonwealth,

1. Welcomes:

(a) The declared commitment by the Government of Nigeria to civilian rule, multi-party democracy and freedom of assembly, press and political activity by 1 October 1998, and recalling in this regard the declaration by the Government of 1 October 1995 which the Government recently confirmed;

(b) The decision of the Commission on Human Rights to appoint a Special Rapporteur on the situation of human rights in Nigeria;

(c) The note by the Secretary-General[3] on the discharge of his good offices mandate, and requests him, in cooperation with the Commonwealth, to continue to undertake further discussion with the Government of Nigeria and to report on progress in the implementation of the present resolution and on the possibilities for the international community to offer practical assistance to Nigeria to achieve the restoration of democratic rule and the full enjoyment of human rights;

2. Expresses its deep concern:

(a) At continuing grave violations of human rights and fundamental freedoms in Nigeria, including arbitrary detention, as well as failure to respect due process of law;

(b) That the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms and is contrary to the popular support for democratic government as evidenced in the 1993 elections;

(c) That additional persons among those detained in Nigeria are to be tried by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates;

(d) At the lack of preparatory steps by the Government of Nigeria to secure the reinstallation of a representative government following elections characterized by genuine popular participation in a multi-party context;

(e) At the past refusal of the Government of Nigeria to cooperate with the Commission on Human Rights and its mechanisms;

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[3] A/52/688.

3. Calls upon the Government of Nigeria:

(a) To ensure urgently the observance of human rights and fundamental freedoms, including by respecting the right to life, by releasing all political prisoners including those detained in connection with the 1993 presidential elections, among them Chief M. K. O. Abiola, trade union leaders, human rights advocates and journalists currently detained, by improving conditions of detention and by guaranteeing freedom of the press, freedom of opinion and association and respect for the rights of individuals, including persons belonging to minorities;

(b) To ensure that all trials are held fairly and promptly and in strict conformity with international human rights standards;

(c) To abide by its freely undertaken obligations under the International Covenants on Human Rights and other human rights instruments, and notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria;[4]

(d) To take concrete and credible steps to restore democratic government without delay, and to end rule by decree;

(e) To ensure the independence of the National Human Rights Commission, including in its investigations of human rights abuses;

(f) To implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

(g) To implement its obligations under the International Labour Organization Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, while noting the special paragraph in the report of the International Labour Conference Committee of Experts on the Application of Conventions and Recommendations, as adopted by the 85th session of the International Labour Conference, on Nigeria's failure to comply with that Convention;

(h) To cooperate fully with the Commission on Human Rights and its mechanisms;

4. Decides to consider this question at its fifty-third session under the item entitled "Human rights questions".

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[4] CCPR/C/79/Add.65.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Argentina, Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, Portugal, San Marino, Slovakia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Iraq

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments, and to the Geneva Conventions of 12 August 1949[3] on the protection of victims of war,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Commission on Human Rights resolution 1997/60 of 16 April 1997,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, Treaty Series, vol. 75, Nos. 970-973.

Taking note of the concluding observations of the Human Rights Committee following the Committee's consideration of the fourth periodic report of Iraq[4] under the International Covenant on Civil and Political Rights,[2]

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with international humanitarian organizations and that the human rights of all Iraqi citizens be respected; Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; Security Council resolutions 687 (1991) of 3 April 1991 and 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, as well as Security Council resolutions 1111 (1997) of 4 June 1997 and 1129 (1997) of 12 September 1997,

1. Welcomes the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[5] and the observations, conclusions and recommendations contained therein, and noting that there has been no improvement in the situation of human rights in the country;

2. Strongly condemns:

(a) The massive and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) Suppression of freedom of thought, expression, religion, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, including the death penalty;

(c) Summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(d) Widespread, systematic torture in its most cruel forms, and the enactment and implementation of decrees prescribing cruel and inhuman punishment, namely mutilation, as a penalty for offences and diversion of medical care services for such mutilations;

3. Calls upon the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and respect and ensure

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[4] CCPR/C/103/Add.2.

[5] A/52/476.

the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;[2]

(c) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To restore independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolutionary Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of authority of the State;

(g) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances for that purpose, and to pay compensation to the families of those who died or disappeared in custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991;

(h) To cease immediately its repressive practices aimed at the Iraqi Kurds in the north, Assyrians, Shi'a, Turkomen, the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and other ethnic and religious groups;

(i) To put an end without delay to the enforced displacement of persons;

(j) To cooperate with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(k) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(l) To ensure equitable distribution without discrimination to the Iraqi population of the humanitarian supplies purchased with the proceeds of Iraqi

oil, in implementation of Security Council resolutions 986 (1995), 1111 (1997) and 1129 (1997) and the memorandum of understanding with the Secretary-General of May 1996 on this issue, and cooperate with international humanitarian agencies for the provision without discrimination of relief to those in need throughout Iraq;

(m) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

(n) To continue to cooperate in the implementation of Security Council resolutions 986 (1995) and 1111 (1997) and to continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

4. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

5. Decides to continue the examination of the situation of human rights in Iraq at its fifty-third session under the agenda item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

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Agenda item 112 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, San Marino, Slovakia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of which is Commission on Human Rights resolution 1997/54 of 15 April 1997,

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

1. Welcomes the report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran;[1]

2. Notes with interest that presidential elections were held in the Islamic Republic of Iran this year, and calls upon the Government to meet expectations for tangible progress concerning human rights and fundamental freedoms of all individuals;

3. Expresses its concern:

(a) At the continuing violations of human rights in the Islamic Republic of Iran, in particular the large and increasing number of executions in the apparent absence of respect for internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, including stoning, amputation and public executions, the failure to meet international standards in the administration of justice and the absence of due process of law;

(b) At the grave breaches of the human rights of the Baha'is, the discrimination against members of other religious minorities, including Christians, and the death sentences pronounced against Mr. Dhabihullah Mahrami, Mr. Musa Talibi and Mr. Ramadan-Ali Dhulfaqari on the charge of apostasy, and against Bihnam Mithaqi and Kayvan Khalajabadi because of their beliefs;

(c) At the lack of continuity in the cooperation of the Government with the mechanisms of the Commission on Human Rights;

(d) At the continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran, and deeply regrets the increase announced in the bounty offered for the assassination of Mr. Rushdie by the 15 Khordad Foundation;

(e) At violations of the right to peaceful assembly and restrictions on the freedoms of expression, thought, opinion and the press, as well as at the harassment and intimidation of writers and journalists seeking to exercise their freedom of expression, the sentencing of the writer Mr. Faraj Sarkuhi being only the most recent example of such unacceptable practices;

(f) At the lack of full and equal enjoyment by women of human rights, while noting efforts to integrate women more fully into the political, economic and cultural life of the country;

4. Calls upon the Government of the Islamic Republic of Iran:

(a) To resume its cooperation with the mechanisms of the Commission on Human Rights, in particular with the Special Representative to allow him to continue his inquiry first-hand and to continue his dialogue with the Government;

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[1] A/52/472, annex.

(b) To abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

(c) To implement fully the conclusions and recommendations of the Special Rapporteur of the Commission on Human Rights on religious intolerance relating to the Baha'is and to other minority religious groups, including Christians, until they are completely emancipated;

(d) To take effective measures to eliminate human rights violations against women, including all discrimination in law and in practice against them;

(e) To refrain from violence against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and prosecuting offences reported by them;

(f) To provide satisfactory written assurances that it does not support or incite threats to the life of Mr. Rushdie;

(g) To ensure that capital punishment will not be imposed for apostasy or non-violent crimes, or in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

5. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at its fifty-third session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

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Agenda item 112 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Albania, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Marshall Islands, Monaco, Netherlands, Nicaragua, Norway, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America and Uzbekistan: draft resolution

Situation of human rights in Cuba

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights[1] and other applicable human rights instruments,

Reaffirming also that all States have an obligation to fulfil the commitments they have freely undertaken under the various international instruments,

Taking particular note of Commission on Human Rights resolution 1997/62 of 16 April 1997, in which the Commission commended the Special Rapporteur for his report[2] and his efforts to carry out his mandate, and extended his mandate for one year;

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[1] Resolution 217 A (III).

[2] E/CN.4/1997/53.

Expressing concern about continuing violations of human rights and fundamental freedoms in Cuba, as outlined in the interim report on the situation of human rights in Cuba submitted to the General Assembly by the Special Rapporteur,[1]

Deploring, in this regard, the arbitrary arrest, detention and harassment of Cuban citizens, in particular members of the Dissident Working Group and the independent press, for peacefully seeking to exercise their civil and political rights,

Recalling the continued refusal of the Government of Cuba to cooperate with the Commission on Human Rights with regard to its resolutions 1992/61 of 3 March 1992, 1993/63 of 10 March 1993, 1994/71 of 9 March 1994, 1995/66 of 7 March 1995, 1996/69 of 23 April 1996 and 1997/62, including its repeated opposition to a visit to Cuba by the Special Rapporteur,

1. Commends the Special Rapporteur of the Commission on Human Rights for his interim report on the situation of human rights in Cuba;

2. Expresses its full support for the work of the Special Rapporteur;

3. Calls once more upon the Government of Cuba to cooperate fully with the Special Rapporteur by permitting him full and free access to establish contact with the Government and the citizens of Cuba so that he may fulfil the mandate entrusted to him;

4. Regrets profoundly the numerous violations of human rights and fundamental freedoms in Cuba, as described in the report of the Special Rapporteur to the Commission on Human Rights[1] and in his interim report;[1]

5. Urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in this area;

6. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur, who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

7. Calls upon the Government of Cuba to carry out the recommendations contained in the interim report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms in Cuba into conformity with international standards and applicable international human rights instruments and to end all violations of human rights including, in particular, the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to its prisons to non-governmental humanitarian organizations and international humanitarian agencies;

8. Decides to continue its consideration of this question at its fifty-third session.

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[1] A/52/479, annex.

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THIRD COMMITTEE
Agenda items 110 and 116

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1998-1999

Third Decade to Combat Racism and Racial Discrimination and the convening of a world conference on racism, racial discrimination, xenophobia and related intolerance

Programme budget implications of the draft resolution contained in document A/C.3/52/L.38

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

1. Under the terms of operative paragraphs 1 and 2 (a) and (d) of Part II of draft resolution A/C.3/52/L.38, the General Assembly would:

(a) Decide to convene a world conference on racism and racial discrimination, xenophobia and related intolerance, not later than the year 2001;

(b) Decide also that the Commission on Human Rights will act as the preparatory committee for the world conference on racism and racial discrimination, xenophobia and related intolerance and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialized agencies and observers, in accordance with established practice.

2. The above requests are related to programme 19: Human rights, subprogramme 1: Right to development, research and analysis, of the medium-term plan for the period 1998-2001 (A/51/6/Rev.1). At the same time, the activities

would be carried out under the budget section to be established for the human rights programme in the biennium 2000-2001.

3. In accordance with paragraphs 1 and 2 (a) of Part II of the draft resolution, a world conference on racism, racial discrimination, xenophobia and related intolerance would be convened not later than the year 2001. The world conference is envisaged to meet for five working days in Geneva.

4. Full conference services in all six languages would be required for three simultaneous meetings in the morning and afternoon, for a total of six meetings per day in respect of a plenary (which would meet for five working days) and a main and drafting committees (which would be expected to meet for four working days each).

5. In accordance with paragraph 2 (d), the preparatory process for the world conference would consist of a preparatory committee which would meet in Geneva immediately after the conclusion of the regular annual sessions of the Commission on Human Rights in 2000 and 2001, for a period of five working days each year; and a three-day pre-conference high-level consultation meeting to be convened in Geneva immediately before the opening of the world conference.

6. The preparatory committee would consist of a plenary scheduled to meet for five working days with full conference services in six languages. Full conference services with interpretation in six languages would also be required for the high-level consultation meeting which would take place in Geneva immediately before the opening of the world conference.

7. The implementation of the requests contained in draft resolution A/C.3/52/L.38 would require additional provisions for the preparation and substantive servicing of the conference, public information coverage and security, which would be determined in the course of the preparation of the proposed programme budget for the biennium 2000-2001.

8. The full cost of providing conference servicing for the world conference on racism, racial discrimination, xenophobia and related intolerance, to be held in 2001, and its preparatory process in 2000-2001, is tentatively estimated at $2,509,500. In accordance with General Assembly resolution 40/243, the additional costs of convening the conference outside Geneva would be the responsibility of the host Government.

9. Should the General Assembly adopt draft resolution A/C.3/52/L.38, no additional appropriation would be required under the proposed programme budget for the biennium 1998-1999.